

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-CR-211

ERIC D. LUCKETT,

Defendant.

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**ORDER**

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On October 3, 2011, a federal grand jury sitting in this district returned a one-count indictment against defendant Eric D. Lockett. The indictment charges the defendant, as an armed career criminal, with possession of forty rounds of FIOCCHI brand 9mm ammunition and forty-three rounds of Remington brand .357 caliber ammunition in violation of 18 U.S.C. §§922(g)(1) and 924(e)(1). The defendant entered a not guilty plea to the charges on October 28, 2011. At that time, the defendant was in state custody so a federal detainer was lodged against him.

On November 4, 2011, the defendant filed a motion for a bond hearing and a hearing was held on November 9 and 10, 2011. Based on the information presented at that hearing, the court concluded that the defendant's proposal to be released on a personal recognizance bond and to reside with his aunt and uncle while he continued to be supervised by his state probation officer was not sufficient to warrant the defendant's release. Therefore, the defendant was ordered detained pending trial.

Subsequently, the defendant filed a motion to reopen the detention hearing. (Docket #15). In his motion, the defendant requests that he be released on electronic monitoring to

reside at his aunt and uncle's residence. The defendant's trial is scheduled for January 3, 2012, before United States District Judge Lynn Adelman. The court has reviewed the defendant's motion and the affidavit of his counsel, as well as the defendant's pretrial service report. The defendant has an extensive criminal history beginning when he was a juvenile. He has three convictions for possession with intent to distribute controlled substances – in 1999, 2003 and 2009. He received varying terms of incarceration for each offense. The defendant also was convicted for possession of a controlled substance and received a one year term of incarceration. In addition, the defendant was convicted of felony bail jumping in 2003 for which he received a term of one to two years in prison. The defendant was arrested on several occasions for probation violations and according to the pretrial services report, on at least two occasions the violations were turned over to State Probation and Parole authorities. The defendant was on probation at the time of the alleged offense in this case.

The defendant's criminal history indicates a continuing course of conduct in his adult years. His criminal record is extensive and also shows a continuing inability to abide by the terms of his extended supervision. Taking into account the defendant's extensive and continuing criminal conduct, including his conviction for felony bail jumping and violations of state probation, the court concludes that the defendant's proffer to be released on electronic monitoring is insufficient to allow his release. Given all these circumstances, the court concludes that the defendant poses a danger to the community and would pose a risk of flight if he were released. Therefore, the defendant will be detained pending trial. In making this determination, the court is aware that United States Magistrate Judge Aaron E. Goodstein issued a report and recommendation to the district judge on December 9, 2011, recommending that the defendant's motion to suppress his statements regarding the clothes in the backseat of the minivan driven by the defendant be granted.

**NOW, THEREFORE, IT IS ORDERED** that defendant's motion to reopen the detention hearing be and hereby is **denied**. (Docket #15).

Dated at Milwaukee, Wisconsin, this 22nd day of December, 2011.

BY THE COURT:

s/Patricia J. Gorence

PATRICIA J. GORENCE

United States Magistrate Judge